

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference	FOR FURTHER ACTION	See item 4 below
International application No. PCT/GB2004/005038	International filing date (<i>day/month/year</i>) 30 November 2004 (30.11.2004)	Priority date (<i>day/month/year</i>) 02 December 2003 (02.12.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant EGLINTON, Danny, John		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 07 June 2006 (07.06.2006)
Facsimile No. +41 22 740 14 35	Authorized officer <div style="text-align: center; font-weight: bold;">Dorothee Mülhausen</div> Telephone No. +41 22 338 87 40

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 31 MAR 2005

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/005038

International filing date (day/month/year)
30.11.2004

Priority date (day/month/year)
02.12.2003

International Patent Classification (IPC) or both national classification and IPC
B60J7/08

Applicant
EGLINTON, Danny J.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/005038

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/005038

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-25
Inventive step (IS)	Yes: Claims	
	No: Claims	1-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations

see separate sheet

To Chapter V.2.

Reference is made to the following documents:

- D1: US-A-4 050 734 (RICHARD ET AL) 27 September 1977 (1977-09-27)
- D2: AU 29133 77 A (RICHARD, D.B) 5 April 1979 (1979-04-05)
- D3: US-A-3 841 697 (MCFARLAND W,US) 15 October 1974 (1974-10-15)
- D4: US-A-3 549 199 (LEWIS F. SIBLEY) 22 December 1970 (1970-12-22)
- D5: WO 02/32710 A (PLANTEFORT EXPANSION SARL; DURIEUX, DENIS) 25 April 2002 (2002-04-25)
- D6: FR-A-2 812 598 (BELLANGER ISABELLE ANNE MARIE) 8 February 2002 (2002-02-08)
- D7: GB 693 979 A (BASIL LEONARD CATES) 8 July 1953 (1953-07-08)

V.2.1 Independent Claim 1

Document D1 shows (see column 5, fig. 10-14):

- a fabric sheeting cover for an open-topped goods container of rectangular horizontal cross-section, comprising:
 - a generally rectangular main area (cover 30) for covering the open top of the container;
 - and a pair of generally triangular side flaps (side skirts 32b) extending one from each of two opposed side edges of the main area, each side flap being movable with respect to the main area between a folded position where the flap overlies the main area and a deployed position where the side flap extends substantially at right angles to the main area;
 - elastic members (114) connecting the side flaps to the main area of the cover and arranged to pull the side flaps to their folded positions;
 - pull-means (followers 106) for each side flap arranged when tension is applied thereto to unfold the respective side flap against the bias provided by the elastic members thereby to move the side flap to its deployed position; and
 - tie-down means (tracks 110) for each flap, arranged to allow the securing thereof

in its deployed position.

Therefore, the present application does not satisfy the criterion set forth in Article 33 (2) PCT because the subject-matter of independent claim 1 is not new in respect of prior art as defined in the regulations (Rule 64 (1)-(3) PCT).

V.2.2 Independent Claim 16

Document D1 shows (see column 5, fig.10-14):

- a sheeting system for an open-topped goods container of rectangular horizontal cross-section, comprising a sheeting cover (30) in combination with means (arms 56,58) to secure the cover in juxtaposition to a container so that the main area of the cover (30) may be extended to overlie the open top of the container with said opposed edges running substantially parallel to two opposed edges of the open top.

Therefore, the present application does not satisfy the criterion set forth in Article 33 (2) PCT because the subject-matter of independent claim 16 is not new in respect of prior art as defined in the regulations (Rule 64 (1)-(3) PCT).

V.2.3. Dependent claims 2-15,17-25

Claims having as subject-matter special embodiments of the invention do not fulfil the provisions of the PCT (Art. 33 and Rule 6 PCT); the features of the following claims do not add new features or anything of inventive significance (in the sense of Arts. 33 (2) or (3) PCT) to the subject-matter of claim 1 or 16.

V.3. Further Remarks and Defects in the Application Documents

V.3.1. With Respect to the Claims

The independent claim 1 is not cast properly in the two part form, with those features which in combination are part of the closest prior art (see chapter V.2.) being placed in the preamble; consequently, it does not meet the requirements of Rule 6.3 (b) PCT.

If the applicant is of the opinion that a two-part form of claim 1 would be inappropriate he is invited to provide reasons in his reply. In addition, the applicant should ensure that it is **completely clear** from the description which features of the subject-matter of claim 1 are known from the closest prior art document; see PCT Guidelines PCT/GL/3 III, 2.3a.

Reference signs in parentheses should be inserted in the claims to increase their intelligibility, Rule 6.2 (b) PCT. This applies to both the preamble and characterising portion.

V.3.2. With Respect to the Description

The closest prior art document is not identified in the description and the relevant background art disclosed therein is not briefly discussed; therefore, the description does not meet the requirements of Rule 5.1 (a) (ii) PCT.

V.3.3. General Requirements for Amendments

In the case the applicant files amendments, it is requested to file them by way of replacement of complete pages. Additional pages should be numbered e.g. 1a, 1b etc. Moreover, the applicant's attention is drawn to the fact that, as a consequence of Rule 66.8(a) PCT the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, **the applicant is requested to clearly identify the amendments carried out**, no matter whether they concern amendments by addition, replacement or deletion, and **to indicate the passages of the application as filed on which these amendments are based** (see also Rule 66.8(a) PCT).

If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

The attention of the applicant is drawn to the fact that the application may not be amended in such a way that it contains subject-matter which extends beyond the

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2004/005038

content of the application as filed, Article 34 (2) (b) PCT.